

Appl. No.: 10/648,957  
Amdt. dated 06/22/2005  
Reply to Office action of March 22, 2005

#### REMARKS

Reconsideration and allowance of the above identified application is respectfully requested in light of the above amendments and the following remarks.

##### The Priority Claim

In the Official Action, the Examiner acknowledged the applicant's priority claim, but stated that a certified copy has not been filed. A certified copy was in fact filed concurrently with the application, as indicated on the Application Transmittal and the returned post card. Copies of the Application Transmittal and the returned post card are attached to the Appendix of this Amendment, and a copy of priority application is also attached. If the original certified copy is not in the Examiner's file, it is requested that the enclosed copy be accepted in lieu thereof.

##### The Drawing Objection and the §112 Rejection

Both the drawing objection and the §112 rejection as set forth in the Official Action are seen to be predicated on the presence of the alternative expression "and/or" in many of the claims. The alternative expression has been deleted in all cases in favor of the expression "and", or "which", and it is accordingly believed that the objection and rejection have been overcome.

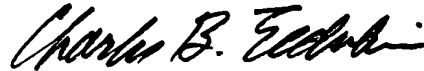
##### The Claim Rejections Under §112

In the Official Action, dependent claims 21 and 26 were indicated to be allowable upon being re-written in independent form. Base Claims 1 and 22 have been amended in compliance with this determination, and it is respectfully submitted that base Claims 1 and 22, and their dependent Claims 5-21 and 23-

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25, are in condition for immediate allowance. Such action is solicited.

Respectfully submitted,



Charles B. Elderkin  
Registration No. 24,357

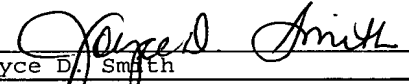
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#4717531v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 22, 2005

  
\_\_\_\_\_  
Joyce D. Smith

APPENDIX

Attached hereto are:

1. A copy of the Utility Patent Application Transmittal as filed on August 27, 2003;
2. A copy of the post card returned from the PTO and which acknowledges receipt of a certified copy of priority document DE 101 46 286.7; and
3. A copy of the certified priority application DE 101 46 286.7 which was filed with the present application.

#4717618v1

**BEST AVAILABLE COPY**



Commissioner for Patents

Date Mailed: 8/27/03

P.O. Box 1450

Atty. Dkt. No. 034691/263779

Alexandria, VA 22313-1450

Kindly acknowledge receipt of the accompanying CONTINUATION PATENT

APPLICATION with Application Transmittal Cover Sheet for:

Inventor(s): Kleine et al.; Title of Invention: DEMODULATION CIRCUIT

Pages of Spec. (including claims and abstract) 20; No. of Claims 26

No. of Drawing Sheets 6; Declaration Enclosed X (4 pages); IDS with PTO 1449

Enclosed X; (No. of 1449 Cites Enclosed 9); Assignment with Cover Sheet and

\$40.00 Fee Enclosed X; Other Documents: Priority Document DE 101 46 286.7;

copy of International Search Report

Check(s) Enclosed \$750.00; \$40.00

Please place office stamp hereon and Return Postcard to : CBE:jds 03913 U.S. PTO  
ALSTON & BIRD LLP 10/648957



**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

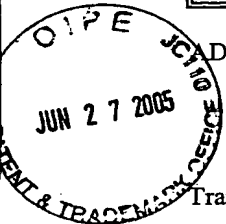
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 034691/263779

First Inventor Kleine et al.

Title DEMODULATION CIRCUIT

Express Mail Label No. EV 231895375 US



ADDRESS TO: MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Ulrich Kleine; Falk Roewer; Klaus Salzwedel; Felix Mednikov; Martin Sellen

Assignee of this invention is Micro-Epsilon Messtechnik GmbH & Co. KG

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

		Small Entity		Large Entity	
No. Filed	No. Extra	Rate	Fee 0	Rate	Fee 1
BASIC FEE			\$ 0		\$ 750
TOTAL CLAIMS:	26 - 20 = 6	X 9 =	\$ 0	x 18 =	\$ 108
INDEP CLAIMS:	2 - 3 = 0	X 42 =	\$ 0	x 84 =	\$ 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$		+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.		TOTAL	\$	TOTAL	\$ 750

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees) including extension of time fees under 37 CFR § 1.136(a) that are required for any consideration of papers filed during prosecution.

☒ A check in the amount of \$ 750.00 for the filing fee is enclosed.

☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

3. ☒ Specification; Total Pages 20
4. ☒ 6 Sheets of Drawing(s) (35 USC 113)
5. ☒ Declaration and Power of Attorney; [Total Pages 4]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy (CRF)
  - b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)

- c. ☐ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ Paper (\_\_\_ Pages)  
d. ☐ Statements verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)  
10. ☐ 37 CFR 3.73(b) Statement (*when there is an assignee*); ☐ Power of Attorney  
11. ☐ English Translation Document (*if applicable*)  
12. ☒ Information Disclosure Statement (IDS)/PTO-1449; 2 Copies of IDS Citations; copy of International Search Report  
13. ☐ Preliminary Amendment  
14. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)  
15. ☒ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
☒ Foreign Priority is claimed as German Application No. 101 46 286.7, filed September 19, 2001  
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB35 or its equivalent.  
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.  
18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**  
☒ Continuation ☐ Divisional ☐ Continuation in Part (CIP)

of prior Application No: PCT/DE02/03508; Filed September 19, 2002

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

CUSTOMER NUMBER 00826

Signature: \_\_\_\_\_

Attorney/Agent of Record: Charles B. Elderkin

Attorney/Agent Registration No. 24,357

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"Express Mail" mailing label number EV 231895375 US

Date of Deposit August 27, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Joyce D. Smith